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SIXTY-FIRST LEGISLATIVE DAY
FRIDAY, MARCH 13, 2009

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Hammond, Keough, LeFavour, Mortimer, and Siddoway, absent on legislative committee business and formally excused by the Chair; and President Pro Tempore Geddes and Senators Andreason, Lodge, McKenzie, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Emily Tippetts, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 12, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

President Pro Tempore Geddes and Senators Andreason, Lodge, McKenzie, Pearce, and Stegner were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 13, 2009

The JUDICIARY AND RULES Committee reports that [S 1149](#), [S 1150](#), [S 1151](#), [S 1152](#), and [SCR 109](#) have been correctly printed.

DARRINGTON, Chairman

[S 1149](#) was referred to the Resources and Environment Committee.

[S 1150](#) was referred to the Transportation Committee.

[S 1151](#) and [S 1152](#) were referred to the Commerce and Human Resources Committee.

[SCR 109](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 12, 2009

The TRANSPORTATION Committee reports out [S 1086](#) and [S 1137](#) with the recommendation that they do pass.

MCGEE, Chairman

[S 1086](#) and [S 1137](#) were filed for second reading.

March 12, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Max C. Black to the the State Insurance Fund Board, term to expire April 3, 2010.

ANDREASON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 41](#), [H 75](#), [H 192](#), and [H 169](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 41](#), [H 75](#), [H 192](#), and [H 169](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 12, 2009

Dear Mr. President:

I transmit herewith [H 160](#), as amended, [H 178](#), as amended, [HCR 12](#), and [HCR 22](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 160](#), as amended, [H 178](#), as amended, [HCR 12](#), and [HCR 22](#) were filed for first reading.

March 12, 2009

The Senate advanced to the Thirteenth Order of Business.

Dear Mr. President:

I return herewith [S 1091](#), [S 1070](#), [S 1075](#), [S 1073](#), [S 1043](#), [S 1062](#), [S 1080](#), and [S 1056](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[S 1091](#), [S 1070](#), [S 1075](#), [S 1073](#), [S 1043](#), [S 1062](#), [S 1080](#), and [S 1056](#), as amended, were referred to the Judiciary and Rules Committee for enrolling.

March 12, 2009

Dear Mr. President:

I transmit herewith Enrolled [HCR 18](#), [HJM 1](#), and [H 123](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 18](#), [HJM 1](#), and [H 123](#) and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 160](#), as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 178](#), as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[HCR 12](#) and [HCR 22](#), by State Affairs Committee, were introduced, read at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 154](#), as amended, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

[S 1140](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 107](#), [H 179](#), and [H 184](#), by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

[S 1138](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 101](#), [H 125](#), [H 126](#), and [H 127](#), by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

Third Reading of Bills

Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Keough, LeFavour, Hammond, Mortimer, and Siddoway were recorded present at this order of business.

[S 1132](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—Mortimer. Total - 1.

Total - 35.

Whereupon the President declared [S 1132](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1129](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President declared [S 1129](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1082](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Geddes, Goedde, Hammond, Heinrich, Hill, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Siddoway, Smyser. Total - 21.

NAYS—Bilyeu, Bock, Davis, Fulcher, Jorgenson, Kelly, LeFavour, Pearce, Sagness (Malepeai), Schroeder, Stegner, Thorson (Stennett), Werk, Winder. Total - 14.

Total - 35.

Whereupon the President declared S 1082 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out S 1074, as amended, H 70, S 1020, H 152, H 76, and S 1108, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1074, As Amended

AMENDMENT TO SECTION 4

On page 5 of the engrossed bill, in line 26, following "impaired" insert: "appointed by the governor"; in line 27, following "hearing" insert: "appointed by the governor"; and in line 29, following "impaired" insert: "appointed by the governor".

On page 9, in line 13, delete "33-3407" and insert: "33-3402".

SENATE AMENDMENT TO H 70

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 27, delete "at any time in the case".

SENATE AMENDMENT TO S 1020

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 33, following "Disposition." insert: "(i)"; on page 2, in line 5, preceding "Any" insert: "(ii)"; and in line 8, following "sale." insert: "Any violation of this subsection (b)(ii) shall be considered an illegal purchase or offer to purchase wildlife, or parts thereof, which has been unlawfully killed or taken.".

CORRECTION TO TITLE

On page 1, in line 5, following "GAME" insert: "AND TO PROVIDE FOR VIOLATIONS".

SENATE AMENDMENT TO H 152

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 8, delete "surplus".

SENATE AMENDMENT TO H 76

AMENDMENT TO SECTION 1

On page 3 of the printed bill, in line 7, delete "including services or other intangibles"; in line 8, delete "including those instances where the sale"; delete line 9; in line 10, delete "similar basis for resale by the buyer or any other person"; in line 14,

delete "worked." and insert: "worked; and"; and following line 18, insert:

"Such exemption applies solely to the individual's engagement in the trade or business of selling or soliciting the sale of consumer products in a private home or location other than in a permanent retail establishment."

CORRECTIONS TO TITLE

On page 1, in line 4, delete "OF SALE" and insert: "THE SALE"; and also in line 4, delete ", INCLUDING"; in line 5, delete "SERVICES AND OTHER INTANGIBLES,"; in line 6, delete "EMPLOYMENT AND" and insert: "EMPLOYMENT," and also in line 6, following "CONDITIONS" insert: "AND TO PROVIDE FOR APPLICATION".

SENATE AMENDMENT TO S 1108

AMENDMENT TO SECTION 2

On page 2 of the printed bill, following line 33, insert:

"(7) 'Applicant' means any organization that is requesting an agency license under this chapter and includes the following:

(a) An organization seeking a new license;

(b) An existing agency that intends to change the level of licensed personnel it utilizes;

(c) An existing agency that intends to change its geographic coverage area, except by agency annexation;

(d) An existing nontransport service that intends to provide ambulance service;

(e) An existing ambulance service that intends to discontinue transport and become a nontransport service."

and in line 34, delete "(27)" and insert: "(28)".

On page 3, in line 35, delete "(48)" and insert: "(49)"; in line 36, delete "(59)" and insert: "(510)"; in line 37, delete "(10)" and insert: "(11)"; in line 42, delete "(611)" and insert: "(612)"; and in line 45, delete "(12)" and insert: "(13)".

On page 4, in line 1, delete "(13)" and insert: "(14)"; in line 6, delete "(14)" and insert: "(15)"; in line 9, delete "(15)" and insert: "(16)"; in line 13, delete "(716)" and insert: "(717)"; in line 17, delete "(817)" and insert: "(818)"; in line 21, delete "(18)" and insert: "(19)"; in line 26, delete "(19)" and insert: "(920)"; and in line 31, delete "(20)" and insert: "(210)".

AMENDMENT TO SECTION 7

On page 7, delete lines 35 through 43, and insert:

"(7) Applicants must submit the following information with their applications and agree to meet the following requirements as a condition of licensure:

(a) A declaration of anticipated applicant agency costs and revenues; a statement of projected changes in response time; and a narrative describing projected clinical benefits to patients resulting from licensure using methods defined in board rules concerning such matters on an application provided by the EMS bureau; and

(b) Collect and report data to the EMS bureau upon receiving a license using a data collection system that is validated as compliant by the national emergency medical services information system technical assistance center in accordance with board rules.

(8) The EMS bureau will provide notice of any such application to all cities, counties and other units of local government that have any geographic coverage area in common with the applicant in accordance with board rules. Such notice will include a summary of the applicant data supplied to the EMS bureau. Any other EMS bureau use of the cost and revenue data supplied by applicants is limited exclusively to informational purposes.

(9) Appeal of a denial of an applicant's license will be governed by IDAPA 16.05.03, rules governing contested case proceedings and declaratory rulings."

CORRECTION TO TITLE

On page 1, delete lines 19 through 21 and insert: "MINIMUM STANDARDS WAIVER, TO REQUIRE APPLICANTS TO SUBMIT CERTAIN INFORMATION AND AGREE TO MEET CERTAIN REQUIREMENTS, TO PROVIDE THAT THE EMS BUREAU PROVIDE CERTAIN NOTICE TO CERTAIN ENTITIES, TO PROVIDE CERTAIN LIMITATIONS ON THE USE OF CERTAIN DATA, TO PROVIDE FOR LICENSE DENIAL APPEAL".

The Committee also has [S 1055](#), [S 1092](#), [S 1095](#), and [H 14](#), as amended, under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[S 1074](#), as amended, as amended, [S 1020](#), as amended, and [S 1108](#), as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

[H 70](#), as amended in the Senate, [H 152](#), as amended in the Senate, and [H 76](#), as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:25 p.m. until the hour of 10:30 a.m., Monday, March 16, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary